

AMENDED IN ASSEMBLY FEBRUARY 12, 2008

AMENDED IN ASSEMBLY SEPTEMBER 6, 2007

AMENDED IN SENATE MAY 1, 2007

SENATE BILL

No. 562

Introduced by Senator Wiggins

(Principal coauthor: Assembly Member Berg)

February 22, 2007

An act to add Section 6217.3 to the Public Resources Code, relating to public resources, ~~and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as amended, Wiggins. Public resources: salmon and steelhead: protection: fishery restoration.

~~The~~

(1) *The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006* (bond act), an initiative bond act that was approved by the voters at the November 7, 2006, statewide general election, among other things, makes \$180,000,000 in bond funds available to the Department of Fish and Game (department) for bay-delta and coastal fishery restoration projects. Of those funds, up to \$45,000,000 are available for appropriation for coastal salmon and steelhead fishery restoration projects that support the development and implementation of species recovery plans and strategies for salmonid species listed as threatened or endangered under state or federal law.

~~This bill would appropriate \$5,293,000 of the \$45,000,000 available from the bond act to the department. The bill would allow the~~

~~department to allocate up to \$500,000 of those funds to conduct an environmental review and to implement, by regulation, mitigation measures necessary to protect the Coho salmon and other special status fish species, in specified watersheds, listed as threatened or endangered, only if AB 1032 of the 2007–08 Regular Session becomes effective on or before January 1, 2008.~~

~~The balance of the funds would be required to be allocated to coastal salmon and steelhead fishery restoration projects and the Coastal Salmonid Monitoring Plan. The department would be permitted to allocate no more than \$2,520,000 for the purposes of the Coastal Salmonid Monitoring Plan, and with the exception of the Coastal Salmonid Monitoring Plan, the department would be required to follow a specified process in expending the funds.~~

This bill would appropriate \$5,293,000 of the \$45,000,000 available from the bond act to the department for the purposes of coastal salmon and steelhead fishery restoration projects and the Coastal Salmonid Monitoring Plan. The department would be permitted to allocate no more than \$2,520,000 for the purposes of the Coastal Salmonid Monitoring Plan, and with the exception of the Coastal Salmonid Monitoring Plan, the department would be required to follow a specified process in expending the funds.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6217.3 is added to the Public Resources
- 2 Code, to read:
- 3 6217.3. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) The Safe Drinking Water, Water Quality and Supply, Flood
- 6 Control, River and Coastal Protection Bond Act of 2006, an
- 7 initiative approved by the voters at the November 7, 2006,
- 8 statewide general election, makes available the sum of one hundred
- 9 eighty million dollars (\$180,000,000) in bond funds for bay-delta
- 10 and coastal fishery restoration projects.
- 11 (2) Of the funds made available, up to forty-five million dollars
- 12 (\$45,000,000) is available for coastal salmon and steelhead fishery

1 restoration projects that support the development and
2 implementation of species recovery plans and strategies for
3 salmonid species listed as threatened or endangered under state or
4 federal law.

5 (b) From the forty-five million dollars (\$45,000,000) available
6 for coastal salmon and steelhead fishery restoration projects
7 pursuant to subdivision (a) of Section 75050, five million two
8 hundred ninety-three thousand dollars (\$5,293,000) is appropriated
9 to the Department of Fish and Game for the purposes of coastal
10 salmon and steelhead fishery restoration projects, including the
11 Coastal Salmonid Monitoring ~~Plan, as follows: Plan. The~~
12 ~~Department of Fish and Game shall not allocate more than two~~
13 ~~million five hundred twenty thousand dollars (\$2,520,000) of these~~
14 ~~funds for the Coastal Salmonid Monitoring Plan.~~

15 ~~(1) Up to five hundred thousand dollars (\$500,000) may be~~
16 ~~allocated by the Department of Fish and Game to conduct the~~
17 ~~environmental review of its existing suction dredge mining~~
18 ~~regulations pursuant to the California Environmental Quality Act~~
19 ~~(Division 13 (commencing with Section 21000)), and to implement~~
20 ~~by regulation, mitigation measures necessary to protect the Coho~~
21 ~~salmon and other special status fish species, in the watershed of~~
22 ~~the Klamath, Scott, and Salmon Rivers, listed as threatened or~~
23 ~~endangered, as ordered in the case of Karuk Tribe of California et~~
24 ~~al. v. California Department of Fish and Game, Super. Ct. Alameda~~
25 ~~County Case No. RG 05 211597. This paragraph shall become~~
26 ~~operative only if Assembly Bill 1032 of the 2007-08 Regular~~
27 ~~Session is enacted and becomes effective on or before January 1,~~
28 ~~2008.~~

29 ~~(2) The balance of the funds shall be allocated by the~~
30 ~~Department of Fish and Game to coastal salmon and steelhead~~
31 ~~fishery restoration projects and the Coastal Salmonid Monitoring~~
32 ~~Plan. The Department of Fish and Game shall not allocate more~~
33 ~~than two million five hundred twenty thousand dollars (\$2,520,000)~~
34 ~~of these funds for the Coastal Salmonid Monitoring Plan.~~

35 ~~(e) The~~

36 ~~(c) (1) Except as provided in paragraphs (2) and (3), the~~
37 ~~process governing the expenditure of funds described in Section~~
38 ~~6217.1 shall be applied to the expenditure of all funds allocated~~
39 ~~by the Department of Fish and Game pursuant to paragraph (2) of~~

1 ~~subdivision (b), except the funds allocated to the Coastal Salmonid~~
2 ~~Monitoring Plan; subdivision (b).~~

3 (2) *The funds allocated to the Coastal Salmonid Monitoring*
4 *Plan are exempt from the requirements of Section 6217.1.*

5 (3) *If there is a conflict between a provision of this section and*
6 *a provision of Division 43 (commencing with Section 75001), the*
7 *provision of Division 43 shall govern.*

8 SEC. 2. *This act is an urgency statute necessary for the*
9 *immediate preservation of the public peace, health, or safety within*
10 *the meaning of Article IV of the Constitution and shall go into*
11 *immediate effect. The facts constituting the necessity are:*

12 *An appropriation is needed as soon as possible in order for the*
13 *state to qualify for federal matching funds to finance coastal*
14 *salmon and steelhead fishery restoration projects, it is therefore*
15 *necessary that this act go into immediate effect.*